

SECTION 4 - AUXILIARY SERVICES

4.1 EMERGENCY MANAGEMENT PLANNING AND GUIDE

Arizona Revised Statute §26-308 provides that political subdivisions will be responsible for the preparation of an emergency management plan that provides for the safety and welfare of the people and the community during periods of emergency.

The Chancellor or appropriate designee shall formulate an emergency management planning guide. This guide shall provide the information necessary for each college/center administration to formulate its own plan to meet specific requirements for that location, and in support of the state emergency plans.

Adopted April 9, 2001 per the approved process for Administrative Regulations. Regulation replaced the former Civil Defense & Planning Guide.

4.2 OCCUPATIONAL SAFETY AND HEALTH

Arizona Revised Statute §23-403 requires that each employer provide a safe place of employment and complies with occupational safety and health standards. Per A.R.S. §23-427, employers shall make, keep and preserve, and make available to the Industrial Commission of the State of Arizona records relating to occupational safety and health. The administration of occupational safety programs shall be delegated by the Chancellor to the appropriate college designee. Each college/center administration shall establish and administer its own plan to provide a safe work environment for the employees at that location.

Adopted April 9, 2001 per the approved process for Administrative Regulations. Regulation replaced the former Civil Defense & Planning Guide.

4.3 ELECTRONIC COMMUNICATIONS

A. General Statement

Electronic messaging services at the Maricopa County Community College District (MCCCD) are provided to support education, research, scholarly communication, administration and other MCCCD business. Electronic communication is not different from any other form of communication and is subject to all applicable federal and state regulations and MCCCD administrative regulations.

As is the case with other technology resources, electronic messaging services are shared among the entire MCCCD community. Everyone using electronic messaging services should be considerate of the needs of others, and be certain that nothing is done to impede anyone else's ability to use this service. All electronic messages must contain the name and electronic mail address of the person making the information available – no anonymous information may be sent.

B. Application of Other Policies

1. All policies applied generally at MCCCD are expressly applicable to the electronic environment. Policies that apply to the use of MCCCD resources, including equipment and time also apply to electronic messaging. Relevant institutional policies include, but are not limited to:
 - a. MCCCD Governing Board policies
 - b. MCCCD Administrative Regulations
 - c. Employee policy manuals
 - d. Student Code of Conduct
 - e. Confidentiality of student records
 - f. Sexual harassment policy
 - g. General Standards Governing use of Maricopa County Community College District Technology Resources (Technology Resource Standards)
2. This is not a comprehensive list of applicable MCCCD policies. Any policy which applies to the use of MCCCD resources, including equipment and time, also applies to electronic messaging. In the event of a conflict between policies, the more restrictive use policy shall govern.
3. MCCCD colleges and operational units may develop additional "conditions of appropriate use" for local computing and network facilities to supplement the Technology Resource Standards with additional detail, guidelines or restrictions. Such conditions must be consistent with and subordinate to the general computing standards.

C. Specifically Acceptable Uses

1. Communications with local and foreign educators, students, administrators, researchers and colleagues in connection with instruction or research
2. Communication and exchange for scholarly development, to maintain currency, or to debate issues in a field or sub-field of knowledge

4.3 ELECTRONIC COMMUNICATIONS (Cont.)

3. Use in applying for or administering grants or contracts for research or instruction, but not for non-Maricopa public relations activities
4. Announcements of new products or services for use in research, college administration, student services, or instruction but not commercial advertising of any kind
5. Factual vendor communication relevant to official MCCCDC business
6. Communication incidental to otherwise acceptable use, except for illegal or specifically unacceptable use

D. Specifically Unacceptable Uses

1. Using electronic messaging for illegal activities is strictly prohibited
2. Use for for-profit activities (sales, consulting for pay, and so on) or use by for-profit institutions unless covered by the general principle, or as one of the specifically acceptable uses
3. Use for private or personal business in violation of MCCCDC policies
4. Chain letter, or any illegal schemes or activities
5. Mailings to large numbers of people that contain unwanted solicitations or information; these mailings are often referred to as "spams"¹ or "letter bomb"², etc
6. Communication that constitutes harassment
7. Anonymous mailings, or mailings which impersonate another individual
8. Allowing anyone else to use your account
9. Any communication which adversely impacts the communications of MCCCDC by over-loading the network

E. Confidentiality

The confidentiality of electronic messaging cannot be assured, and any confidentiality may be compromised by access consistent with applicable law or policy, including this policy, by unintended redistribution, or due to current technologies inadequate to protect against unauthorized access. Users, therefore, should exercise extreme caution in using electronic messaging to communicate confidential or sensitive matters, and should not assume that their electronic messaging is private or confidential.

In addition, MCCCDC is subject to public records statutes that require state agencies, political subdivisions and other governmental entities to make available records they maintain—both paper and electronic—for public inspection.

¹ To exploit listservs or similar systems for the widespread distribution of unsolicited mail.

² To re-send the same message repeatedly to one or more recipients.

4.3 ELECTRONIC COMMUNICATIONS (Cont.)

F. Complaint Procedures

Persons experiencing misuse, abuse, harassment or other incidents related to the technologies which they cannot pursue on their own, should report the matter to the supervisor, designated college (IT) personnel or to the authority at the company or service from which the sender is transmitting. Violations of privacy or property involving the technology may be reported, even if the perpetrator is not a member of the college community.

G. Enforcement of Policy

Engaging in any activity that violates the Technology Resource Standards can result in the loss of access privileges or other discipline as defined in other sections of these standards or other relevant policies. Supervisors, college presidents or their designees, should take necessary steps to ensure that employees under their supervision have notice of, and will comply with this regulation and any protocols of the MCCC electronic communications network, as issued by the vice chancellor of information technology, college president or designee. Issues related to enforcement of policy will be addressed in accordance with established processes in job group policy manuals.

Amended through the Administrative Regulations approval process on December 14, 2004

4.4 TECHNOLOGY RESOURCE STANDARDS

Introduction

The Maricopa County Community College District (MCCCD) provides its students and employees access to information resources and technologies. Maricopa recognizes that the free exchange of opinions and ideas is essential to academic freedom, and the advancement of educational, research, service, operational, and management purposes, is furthered by making these resources accessible to its employees and students.

At Maricopa, technological resources are shared by its users; misuse of these resources by some users infringes upon the opportunities of all the rest. As Maricopa is a public institution of higher education, however, the proper use of those resources is all the more important. Accordingly, Maricopa requires users to observe Constitutional and other lawful mandates whose aims are to safeguard and appropriately utilize technology resources that are acquired and maintained with public funds.

General Responsibilities

Technology resources (including, but not limited to, desktop and laptop systems, printers, central computing facilities, District-wide or college-wide networks, local-area networks, access to the Internet, electronic mail and similar electronic information) of the Maricopa County Community College District are available only to authorized users, and any use of those resources is subject to these Standards. All users of Maricopa's technology resources are presumed to have read and understood the Standards. While the Standards govern use of technology resources District-wide, an individual community college or center may establish guidelines for technology resource usage that supplement, but do not replace or waive, these Standards.

Acceptable Use

Use of Maricopa's technology resources, including websites created by employees and students, is limited to educational, research, service, operational, and management purposes of the Maricopa County Community College District and its member institutions. Likewise, images and links to external sites posted on or transmitted via Maricopa's technology resources are limited to the same purposes.

It is not Maricopa's practice to monitor the content of electronic mail transmissions, files, images, links or other data stored on or transmitted through Maricopa's technology resources. The maintenance, operation and security of Maricopa's technology resources, however, require that network administrators and other authorized personnel have access to those resources and, on occasion, review the content of data and communications stored on or transmitted through those resources. A review may be performed exclusively by persons expressly authorized for such purpose and only for cause. To the extent possible in the electronic environment and in a public setting, a user's privacy will be honored. Nevertheless, that privacy is subject to Arizona's public records laws and other applicable state and federal laws, as well as policies of Maricopa's Governing Board all of which may supersede a user's interests in maintaining privacy in information contained in Maricopa's technology resources.

Frequently, access to Maricopa's technology resources can be obtained only through use of a password known exclusively to the user. It is the user's responsibility to keep a password confidential. While Maricopa takes reasonable measures to ensure network security, it cannot be held accountable for unauthorized access to its technology resources by other users, both within and outside the Maricopa community. Moreover, it cannot guarantee users protection against loss due to system failure, fire, etc.

Much of the data contained in Maricopa records that are accessible through use of technology resources is confidential under state and federal law. That a user may have the technical capability to access confidential records does not necessarily mean that such access is authorized. A user of

4.4 TECHNOLOGY RESOURCE STANDARDS (cont)

Maricopa's technology resources is prohibited from the unauthorized access to, or dissemination of, confidential records.

Violation of any provision of the Standards could result in immediate termination of a user's access to Maricopa's technology resources, as well as appropriate disciplinary action. A violation of the Standards should be reported immediately to the appropriate administrator.

Prohibited Conduct

The following is prohibited conduct in the use of Maricopa's technology resources:

1. Posting to the network, downloading or transporting any material that would constitute a violation of Maricopa County Community College District contracts.
2. Unauthorized attempts to monitor another user's password protected data or electronic communication, or delete another user's password protected data, electronic communications or software, without that person's permission.
3. Installing or running on any system a program that is intended to or is likely to result in eventual damage to a file or computer system.
4. Performing acts that would unfairly monopolize technology resources to the exclusion of other users, including (but not limited to) unauthorized installation of server system software.
5. Hosting an unauthorized website that violates the .EDU domain request.
6. Use of technology resources for non-Maricopa commercial purposes, including to advertise personal services, whether or not for financial gain.
7. Use of software, graphics, photographs, or any other tangible form of expression that would violate or infringe any copyright or similar legally-recognized protection of intellectual property rights.
8. Activities that would constitute a violation of any policy of Maricopa's Governing Board, including, but not limited to, Maricopa's non-discrimination policy and its policy against sexual harassment.
9. Transmitting, storing, or receiving data, or otherwise using technology resources in a manner that would constitute a violation of state or federal law, or MCCCDC policy or administrative regulation including, but not limited to, obscenity, defamation, threats, harassment, and theft.
10. Attempting to gain unauthorized access to a remote network or remote computer system.
11. Exploiting any technology resources by attempting to prevent or circumvent access, or using unauthorized data protection schemes.
12. Performing any act that would disrupt normal operations of computers, workstations, terminals, peripherals, or networks.
13. Using technology resources in such a way as to wrongfully hide the identity of the user or pose as another person.
14. Allowing any unauthorized access to Maricopa's technology resources.

4.4 TECHNOLOGY RESOURCE STANDARDS (Cont.)

Disclaimer

The home page of a web site must display, or link to, the following disclaimer in a conspicuous manner:

All information published online by MCCCCD is subject to change without notice. MCCCCD is not responsible for errors or damages of any kind resulting from access to its internet resources or use of the information contained therein. Every effort has been made to ensure the accuracy of information presented as factual; however errors may exist. Users are directed to countercheck facts when considering their use in other applications. MCCCCD is not responsible for the content or functionality of any technology resource not owned by the institution.

The statements, comments, or opinions expressed by users through use of Maricopa's technology resources are those of their respective authors, who are solely responsible for them, and do not necessarily represent the views of the Maricopa County Community College District.

Complaints and Violations

Complaints or allegations of a violation of these standards will be processed through Maricopa's articulated grievance procedures or resolution of controversy.

Upon determination of a violation of these standards, Maricopa may unilaterally delete any violative content and terminate the user's access to Maricopa's technology resources. It is the user's responsibility to demonstrate and/or establish the relevance of content in the event that a content complaint is made official. Users retain the right to appeal actions through Maricopa's grievance procedures or resolution of controversy.

**Amended through the Administrative Regulations approval process on December 15, 2004
Approved on March 2, 1999**

4.5 COMPUTER SOFTWARE

Statement on Computer Software

Just as there has been shared responsibility in the development of this regulation, so should there be shared responsibility for the resolution of the problems inherent in providing and securing good educational software. Educators have a valid need for quality software and reasonable prices. Hardware developers and/or vendors also must share in the effort to enable educators to make maximum cost-effective use of that equipment. Software authors, developers and vendors are entitled to a fair return on their investment.

A. Educators' Responsibilities

Educators need to face the legal and ethical issues involved in copyright laws and publisher license agreements and must accept the responsibility for enforcing adherence to these laws and agreements. Budget constraints do not excuse illegal use of software.

Educators should be prepared to provide software developers or their agents with the written Software Policy Statement approved by the Maricopa County Community College District including as a minimum:

1. A clear requirement that copyright laws and publisher license agreements be observed;
2. A statement making employees who use Maricopa County Community College District equipment responsible for taking all reasonable precautions to prevent copying or the use of unauthorized copies on Maricopa County Community College District equipment;
3. An explanation of the steps taken to prevent unauthorized copying or the use of unauthorized copies on Maricopa County Community College District equipment;
4. A designation that the Vice Chancellor for Business Services or Designee are the only parties authorized to sign software license agreements for the Maricopa County Community College District;
5. A designation at the campus site level of who is responsible for enforcing the terms of the Maricopa County Community College District regulation and terms of licensing agreements.

B. Hardware Vendor's Responsibilities

Hardware vendors should assist educators in making maximum cost effective use of the hardware and help in enforcing software copyright laws and license agreements. They should as a minimum:

1. Make efforts to see that illegal copies of programs are not being distributed by their employees and agents;
2. Work cooperatively with interested software developers to provide an encryption process that avoids inflexibility but discourages theft.

4.5 COMPUTER SOFTWARE (Cont.)

C. Software Developer's and Vendor's Responsibilities

Software developers and their agents can share responsibility for helping educators observe copyright laws and publishers license agreements by developing sales and pricing policies. Software developers and vendors should as a minimum:

1. Provide for all software a copy to be used for back-up purposes, to be included with every purchase;
2. Provide for on-approval purchases to allow Maricopa County Community College District to preview the software to ensure that it meets the needs and expectations of the educational institution;
3. Work in cooperation with hardware vendors to provide an encryption process that avoids inflexibility but discourages theft;
4. Provide for, and note in advertisements, multiple-copy pricing for Maricopa County Community College District sites with several machines and recognize that multiple copies do not necessarily call for multiple documentation;
5. Provide for, and note in advertisements, network compatible versions of software with pricing structures that recognize the extra costs of development to secure compatibility and recognize the buyer's need for only a single copy of the software.

D. Software Policy Statement

It is the intent of the Maricopa County Community College District to adhere to the provisions of copyright laws in the area of computer programs. Though there continues to be controversy regarding interpretation of those copyright laws, the following procedures represent a sincere effort to operate legally. We recognize that computer software piracy is a major problem for the industry and that violations of computer copyright laws contribute to higher costs and greater efforts to prevent copies and/or lessen incentives for the development of good educational software. All of these results are detrimental to the development of effective educational uses of microcomputers. Therefore, in an effort to discourage violation of copyright laws and to prevent such illegal activities the following apply:

1. Maricopa County Community College District employees will be expected to adhere to the provisions of Public Law 96-517, Section 7(b) which amends Section 117 of Title 17 of the United States Code to allow for the making of a back-up copy of computer programs. This states that "...it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:
 - a. that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
 - b. that such a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful."
2. When software is to be used on a disk sharing system, efforts will be made to secure this software from copying.

4.5 COMPUTER SOFTWARE (Cont.)

3. Illegal copies of copyrighted programs may not be made or used on Maricopa County Community College District equipment.
4. The Vice Chancellor for Business Services, or designee, of the Maricopa County Community College District is designated as the only individual who may sign license agreements for software.
5. The president of each college of the Maricopa County Community College District is responsible for establishing practices that will enforce this regulation at the college level.

It is the policy of the Maricopa County Community College District that no person shall use or cause to be used in the Maricopa County Community College District's computer laboratories any software that does not fall into one of the following categories:

1. It is in the public domain.
2. It is covered by a licensing agreement with the software author, authors, vendor or developer, whichever is applicable.
3. It has been donated to the Maricopa County Community College District and a written record of a bona fide contribution exists.
4. It has been purchased by the Maricopa County Community College District and a record of a bona fide purchase exists.
5. It has been purchased by the user and a record of a bona fide purchase exists.
6. It is being reviewed or demonstrated by the users in order to reach a decision about possible future purchase or request for contribution or licensing.
7. It has been written or developed by a Maricopa County Community College District employee for the specific purpose of being used for district purpose.

It is also the policy of the Maricopa County Community College District that there be no copying of copyrighted or proprietary programs on computers belonging to the Maricopa County Community Colleges District.

Amended through the Administrative Regulations approval process on July 12, 2001

Adopted into Governance, September 24, 1996

Amended Motion No. 8894

Amended Motion No. 8895

Amended Motion No. 8896

Founding Source: Governing Board Minutes, December 11, 1984, Motion No. 5816

4.6 CONCEALED WEAPONS POLICY

All persons who attend classes, are employed by the District/college, are visiting the District/campus or who otherwise have business within MCCCCD, are prohibited from carrying concealed weapons on their person or in their vehicles or concealed within their immediate control. The above persons are also prohibited from carrying or possessing any type of deadly weapon, edged weapon, dangerous instrument or martial arts weapon, as defined in ARS §13-105.11, §13-105.13, §13-105.17 and §13-3101.7.

These items include, but are not limited to: all firearms, sheath knives, boot knives, swords, pocket knives, folding knives, crossbows, long bows, compound bows, sling shots, any instrument under the circumstances of use that could cause death or serious injury, nuunchakus (numbchucks), throwing stars, darts, throwing knives and related martial arts weapons.

The above listed persons are also prohibited from carrying or possessing any type of explosive or explosive devices as defined in ARS §13-3101.3, §13-3101.7a, f and g, §13-3103, and §13-3104. This section also prohibits the possession of all ammunition and ammunition components.

A. Persons excluded from this policy:

1. Any certified peace officer, currently employed by a law enforcement agency
2. Upon the approval of the Chancellor/or appropriate college president or president's designee, any person possessing a weapon for the purpose of teaching firearm safety, hunter safety, martial arts, law enforcement procedures or related course
3. Upon approval of the Chancellor/or appropriate college president or president's designee, any person possessing a weapon for the purpose of demonstrating, for educational purposes, any of the above stated weapons
4. Any person, otherwise approved by the Chancellor/or appropriate college president or president's designee

B. Sanctions for Violations**: Failure to comply with this policy, may result in, but is not limited to:

1. Removal or ejection from the properties of the institution at which the violation occurs by public peace officers and/or authorized representatives of the concerned institution;
2. Criminal prosecution;
3. Suspension or expulsion from the concerned institution and/or all institutions within the MCCCCD, and civil and/or criminal prosecution

** Sanctions will be in accordance with the MCCCCD Student Policies and Procedures manual.

Amended through the Administrative Regulations approval process on July 12, 2001

Adopted into Governance, September 24, 1996

Amended Motion No. 8894

Amended Motion No. 8895

Amended Motion No. 8896

Founding Source: Governing Board Minutes, October 25, 1994, Motion No. 8314

4.7 SECURITY REGULATION

Mission of Security

The Mission of the Department of Public Safety at each college or center is to provide assistance and security for people on campus, protection of district and personal property, traffic control, visitor assistance, lost and found property, loss prevention and loss reporting, identification of safety hazards and training and orientation of employees and students.

Certification Pursuant to A.R.S. §15-1444(9), the Governing Board appoints as police officers all eligible Chiefs of Security and full-time security personnel. These police officers shall have the authority and power of peace officers.

These appointments are effective as current personnel become certifiable or vacant positions become available. Personnel who are not certifiable will be grandfathered.

Training Fund

An account will be established and funded on an annual basis through the BDEC process and upon approval by the Governing Board for the purpose of sponsoring personnel to be trained for certification. Any employee requesting such training must be approved by the college president.

Weapons

The Governing Board does not authorize the use of weapons by any security personnel including those individuals with a police officer designation.

Non-criminal Justice Agency

The District will seek designation as a non-criminal justice agency.

Procedures

The Chancellor or designee shall formulate Districtwide procedures regarding security, and name an on-going committee to review security policies and procedures, as well as to make recommendations with regard to issues and problems affecting security.

Adopted into Governance, September, 1996

Amended Motion No. 8894

Amended Motion No. 8895

Amended Motion No. 8896

Founding Source: Governing Board Minutes, April 25, 1995; Motion No. 8385

4.8 ART IN PUBLIC PLACES

In order to promote and enhance the visual art environment of our buildings and grounds, funds may be identified and allocated for this purpose.

The Chancellor is directed to establish guidelines to accomplish this needed enhancement of the quality of life at our colleges, centers, and District Office. (Guidelines are available as Appendix AS-1)

Periodic reports will be submitted to the Governing Board to monitor the accomplishments of this regulation.

Amended April 9, 2001 per the approved process for Administrative Regulations

Adopted into Governance, September 24, 1996

Amended Motion No. 8894

Amended Motion No. 8895

Amended Motion No. 8896

Founding Source: Governing Board Minutes, November 28, 1995, Motion No. 8480

4.9 COMMEMORATIVE AND DEDICATION PLAQUES ON BUILDINGS

- A. Plaques commemorating the use of Federal Higher Education Facilities Funds, when appropriate, or the completion and dedication of new buildings may be placed either as a cornerstone or at the main entrance to the building.
- B. This will not hold true for any projects already in existence.
- C. The Director, Department of Facilities Planning and Development will establish and maintain procedures for the installation of building plaques. [A copy of the procedures may be obtained by calling the Department of Facilities Planning and Development at 480-731-8230.]

Amended through the Administrative Regulation Approval Process on November 30, 1999

Adopted into Governance, September 24, 1996

Amended Motion No. 8894

Amended Motion No. 8895

Amended Motion No. 8896

Founding Source: Governing Board Minutes, February 12, 1973, Motion No. 2118

4.10 NAMING OF FACILITIES FOR INDIVIDUALS AND ORGANIZATIONS

- A. The naming of any facility within the Maricopa Community Colleges District for an individual or organization shall be based upon the following conditions and considerations:
1. No facility shall be named for an individual who is currently serving on the Governing Board or who is currently employed by the District.
 2. An individual or organization for whom a facility is named should meet one of the following criteria:
 - a. Former Governing Board member
 - b. A former or retired employee not included in the early or active retirement program who has made an outstanding contribution to the District
 - c. A citizen or organization who/which has made a substantial monetary or personal service contribution to the District
 3. The procedure to be followed for requesting that a facility be named for an individual or organization is as follows:
 - a. A petition accompanied by a biography and justification will be presented to the Chancellor who will call to order a standing committee consisting of the following individuals:
 - 1) Member of the Governing Board to be named by the Board President
 - 2) Director of Facilities and Planning or designee
 - 3) President of the college where the facility is located who will chair the committee
 - 4) Faculty Senate President at the college where the facility is located
 - 5) Student Senate President(s) from the college where the facility is located
 - b. The committee will review the petition based upon the above stated criteria.
 - c. If satisfied that the criteria have been met, the committee may recommend to the Chancellor that a facility be named for an individual or organization.
 - d. After a review of the committee's recommendation, the Chancellor may recommend to the Governing Board for its final approval that a facility be named for an individual or organization.

Amended through the Administrative Regulation Approval process on September 23, 1999

Adopted into Governance, September 24, 1996

Amended Motion No. 8894

Amended Motion No. 8895

Amended Motion No. 8896

Founding Source: Governing Board Minutes, January 13, 1981, Motion No. 4714

4.11 DISTRIBUTION OF COMMERCIAL PRODUCTS

Generally, the distribution of free materials shall be avoided; however, the distribution of any commercial products, for sale or give away, to students through the bookstore, registration lines, or elsewhere on campus, shall be subject to prior review and approval by the president of the college or designee.

Adopted into Governance, September 24, 1996

Amended Motion No. 8894

Amended Motion No. 8895

Amended Motion No. 8896

Founding Source: Governing Board Minutes, May 20, 1980, Motion No. 4556

4.12 ABUSE-FREE ENVIRONMENT

The District is dedicated to providing a healthy, comfortable and educationally productive environment for students, employees and visitors. Toward that end, the District's Governing Board adopted a resolution on March 26, 1991 that established the parameters for smoking on District property.

In November 2006, the citizens of Arizona voted into law Proposition 201, the Smoke-free Arizona Act (Arizona Revised Statutes §36-601.01) does not repeal the District's more restrictive regulation and authorizes the District to enact policies that are more restrictive than the act should it desire to do so. (See A.R.S. §36-601.01-M)

- A. Definition – for purposes of this regulation, “smoking” will mean all uses of tobacco.
- B. Prohibitions
 - 1. Smoking is prohibited in enclosed district/college/center buildings and within twenty-five (25) feet of any building entrance or exit.
 - 2. Smoking is prohibited in any areas where flammable gases, liquids or any other volatile materials are located or stored or in which a fire or safety hazard may exist.
 - 3. Smoking is prohibited in all district/college center vehicles.
 - 4. The sale of cigarettes or other tobacco items is prohibited at all sites within the Maricopa District.
- C. Enforcement – The success of this regulation will depend upon the thoughtfulness, consideration and cooperation of smokers and nonsmokers. All employees and students share in the responsibility for adhering to and enforcing the regulation. Any problems should be brought to the attention of the appropriate supervisor and handled through normal channels.
- D. Support – Signs will be posted at the entrance to and throughout buildings and in vehicles as reminders of the no smoking regulation.

Amended through the Administrative Regulation Approval process on October 22, 2008
Amended through the Administrative Regulation Approval process on August 11, 1998

Adopted into Governance, September 24, 1996
Amended Motion No. 8894
Amended Motion No. 8895
Amended Motion No. 8896

Founding Source: Governing Board Minutes, March 26, 1991, Motion No. 7531

4.13 ALCOHOLIC BEVERAGES – USAGE REGULATION

This Administrative Regulation prohibits the use of District funds to purchase alcoholic beverages or services related to them except in small amounts to be used in cooking for the District's culinary programs. Additionally, it generally prohibits the presence of alcoholic beverages on premises owned by the District, or those leased or rented by the institution. It permits a few, narrow exceptions to that latter prohibition. The exceptions are not available to the general population of District employees or officials. More importantly, they are established to ensure that the District's actions stay within the boundaries of state law and the District's insurance coverage. Therefore, strict compliance with this regulation is essential.

- A. **No Funds.** No funds under the jurisdiction of the governing board of the District may be used to purchase alcoholic beverages, except for the limited purposes of purchasing small amounts of them for use solely as ingredients in food preparation for classes and at the District's culinary institutes. Alcoholic beverages may not be stored on premises owned, leased, or rented by MCCCCD except as provided in Paragraph H.
- B. **No Service or Sale of Alcoholic Beverages.** The law of the state of Arizona strictly regulates the service, sale, distribution and consumption of alcoholic beverages. In light of that law, the District does not permit alcoholic beverages to be served, sold or distributed on or in the premises owned by the District or leased or rented by the Maricopa Community Colleges for District-approved educational, fund-raising or other community purposes, except as provided in Paragraphs C and G.
- C. **Service at District Events on District-owned Property.** The Chancellor has the sole authority to approve the service, but not the sale or other distribution, of wine or beer at District events on district-owned property that the Chancellor either sponsors or approves. The only District employees authorized to request the Chancellor's approval are the College Presidents and the Vice Chancellors. Additionally, the law strictly limits the service of wine or beer by the District on District-owned property, and those restrictions are specified in Paragraph E. Unless approved by the Chancellor in compliance with the law and this regulation, alcoholic beverages may not be served on District-owned property.
- D. **Event Form Required.** A College President or Vice Chancellor who wishes to obtain the Chancellor's approval for the service of wine or beer at a District-sponsored event on District-owned property shall forward a completed written request to the Chancellor no later than 30 days before the event. The request form is available at: [AS-6 - Notice of Intent to Serve Beer and Wine](#). On signing the form, the Chancellor will provide a copy of it to the requestor and to the MCCCCD Risk Manager. For events that the Chancellor sponsors, he or she will complete the form, sign it and provide it to the MCCCCD Risk Manager no later than 10 business days before the event. The MCCCCD Risk Manager will forward copies of the forms to the Arizona Department of Liquor Licenses and Control.
- E. **Service restrictions required by law.** An event approved under Paragraph D must, by law, comply with the all of the following restrictions:
 - 1. The only alcoholic beverages that may be served and consumed are wine and beer. Wine consumption is limited to 6 oz. per person, and beer consumption is limited to 24 oz;
 - 2. The gathering must be by invitation only, and not open to the public;
 - 3. The gathering may not exceed 300;
 - 4. Invitees may not be charged any fee for either the event or the beer or wine; and
 - 5. The consumption may only take place between noon and 10:00 p.m.

Additionally, beer and wine may only be served by a beverage service contractor whose liquor license with the state of Arizona is in good standing, except as provided in Paragraph F. The contractor must provide all of the beverages served and well as the servers or bartender. Before the event, the contractor must provide a certificate of insurance that meets the requirements of the District's Risk Manager and that adds the District as an additional insured. The contractor must also agree in writing to indemnify the District regarding the service of the beverages.

4.13 ALCOHOLIC BEVERAGES – USAGE REGULATION (Cont'd)

- F. **Culinary Institutes.** The Chancellor may sponsor or approve an event at one of the District's culinary institutes. Students may serve wine and beer at the event as part of their class requirements, subject to the limitations of Paragraph E. Any student serving those beverages must, by law, be 19 years or older.
- G. **Third-Party Event.** The Maricopa County Community College District foundation and the friends of public radio Arizona may, with the approval of the Chancellor, sponsor an event on District-owned property under this regulation. The City of Phoenix and the friends of the Phoenix Public Library may also do so, with the approval of the Chancellor, at the joint library on the campus of South Mountain Community College. These third-party, non-district entities are solely responsible for determining the steps that they are required to take to comply with Arizona's alcoholic beverages laws. Additionally, they must comply with the following steps:
1. The entity obtains a liquor license from the Arizona Department of Liquor Licenses and control for each event and fully complies with the laws, rules and other requirements applicable to that license;
 2. The entity completes the form available at [AS-7 - Request to Serve - Third Party](#). And provides it to the Chancellor for approval along with a copy of the liquor license no later than 60 days before the event;
 3. The entity provides a certificate of insurance demonstrating that it has liquor liability coverage and that it adds the District as an additional insured;
 4. The entity agrees in writing to indemnify the District from any claims of any kind arising out of the event;
 5. Beer and wine are the only alcoholic beverages served and only served through a beverage service contractor whose liquor license with the state of Arizona is in good standing;
 6. The contractor provides all of the beverages served and well as the servers or bartenders;
 7. Before the event, the contractor provides a certificate of insurance that meets the requirements of the District's Risk Manager and that adds the District as an additional insured; and
 8. The contractor agrees in writing to indemnify the District regarding the service of the beverages.
- H. **Receipt of beverages; storage.** It is not permissible to store wine or beer on premises owned, leased or rented by MCCCDC, except as provided in this paragraph. Alcoholic beverages purchased for use in cooking in District culinary courses must be stored in such a way that it is inaccessible to anyone except the Director or designee of the culinary program. For wine and beer to be used for receptions at the district's culinary institutes, as authorized by this administrative regulation, the following storage requirements apply:
1. Wine and beer to be served may only be brought to MCCCDC property no sooner than four hours prior to the event, and remain there no longer than four hours after the event; and
 2. Once the wine and beer arrives on MCCCDC property, the Director of the culinary program shall assign an MCCCDC employee to ensure that it is not stolen or that it is not opened until ready to be served.
- I. **Compliance with law.** In compliance with applicable law, any persons planning an event under this administrative regulation are required to familiarize themselves with the pertinent laws and other requirements established by the state of Arizona for the service of alcoholic beverages, particularly those in Arizona Revised Statutes Title 4 (Alcoholic Beverages) Chapters 1 (General Provisions), 2 (Regulations and Prohibitions) and 3 (Civil Liability of Licensees and Other Persons) as well as Arizona Administrative Code Title 19, Articles 1 (State Liquor Board) and 3 (Unlicensed Premises Definitions and Licensing Time-Frames).

4.13 ALCOHOLIC BEVERAGES – USAGE REGULATION (Cont'd)

- J. **Residential Housing.** Lawful occupants of residential housing under the jurisdiction of the Governing Board, if over the age of 21 years and not otherwise lawfully barred from such practice, may possess and consume alcoholic beverages in the privacy of their respective leased housing facility. Guests of such occupants over the age of 21 years shall have the same privilege. No alcohol is permitted in public areas (nor common areas of a dormitory) at any time.
- K. **Personal Responsibility.** The personal or individual purchase of alcoholic beverages by individuals attending District-approved functions held in places serving alcoholic beverages is a personal and individual responsibility. Administrative discretion shall be exercised in the approval of the location of such activities, as such decision pertains to the nature of the group involved.

Amended by the Governing Board July 22, 2008 – Motion No. 9504

Adopted into Governance, September 24, 1996

Amended Motion No. 8894

Amended Motion No. 8895

Amended Motion No. 8896

Founding Source: Governing Board Minutes, March 28, 1995, Motion No. 8378
Governing Board Minutes, September 15, 1975, Motion No. 2747

4.14 MOTOR VEHICLE USAGE

A. Each college president shall designate an official at his/her respective college who shall ensure that any employee at that college who is authorized to operate a college or district-owned motor vehicle or vehicle rented, borrowed or leased for college or district purposes:

1. has completed a driver training program approved by the district Risk Manager; and
2. has been the subject of an authorized motor vehicle record review conducted on behalf of the college.

The Vice Chancellor for Human Resources shall designate an official at the district office to ensure that any employee at the district office who is authorized to operate a college or district-owned, -rented, or -borrowed motor vehicle has completed such training program and been the subject of a motor vehicle record review. The training and motor vehicle record review shall be completed for an employee before that employee is permitted to operate a motor vehicle. The District Risk Manager shall coordinate the training program and processes for motor vehicle record review required under this regulation.

B. A college or District-owned, -rented or -borrowed motor vehicle may be operated only by an employee of the Maricopa County Community College District. A Maricopa Community Colleges student may operate such a motor vehicle only in the event of an emergency as determined at the time of the emergency by a responsible college or district employee.

C. A college or district driver shall report to his/her supervisor and the manager responsible for authorizing the use of college vehicles within 48 hours any conviction for driving under the influence of alcohol or drugs, moving traffic violations, license suspension, or license revocation that occurs regardless of whether or not the driver was operating a college or district-owned, rented or borrowed vehicle. The driver's supervisor shall immediately forward this information to the district Risk Manager. Failure to report information as required under this paragraph may result in disciplinary action and the loss of authority to operate a vehicle in the performance of employment responsibilities.

D. The driver of a college or District-owned, -rented or -borrowed motor vehicle shall not use a cellular telephone or similar communication device while operating the vehicle.

Adopted through the Administrative Regulation approval process, August 7, 2003.

Note: The training component of this regulation will be administered through a web-based program that will allow employees to complete training on-line. Implementation of this regulation is expected to begin October 1, 2003.

4.15 ELECTRONIC COMMUNICATIONS RETENTION AND RECORDS REQUESTS

INTRODUCTION

The Maricopa County Community College District (MCCCD) regards electronic messaging and voice communications as vehicles for delivery of information and not as primary mechanisms for the retention and archival of such information. Reasonable efforts will be taken to maintain the integrity and effective operation of the electronic message and voice systems. These systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information.

As a public organization, Arizona law establishes that communications sent electronically by MCCCD personnel may constitute "correspondence" and, therefore, may be considered as records subject to retention and public inspection.

RETENTION AND RECOVERY

Electronic mail will be retained on tape for one month after the date of a system backup. It is the responsibility of the electronic mail user to determine what information is essential to his or her official activities and should be retained or archived in his or her e-mail account, and retain that information locally.

Voice mail communications may be erased or otherwise destroyed after taking the required action. Voice mail backups will be retained for one month after the date of a system backup.

Upon formal request, every attempt will be made by MCCCD to recover the contents of electronic communications from tape backups that fall under this retention schedule. For an electronic message to be available on a backup tape, it must reside in a mailbox or file on MCCCD's central service system for 24 hours.

REQUESTS FOR COPIES AND INSPECTION OF ELECTRONIC COMMUNICATIONS AND HARDWARE

If there is a local hardware or system failure, employees may request that electronic communications created by them or written directly to them be restored from backup. All requests for copies or searches for electronic communications created and maintained by other account users of MCCCD's electronic communication systems and that may involve a specific content or topic area must be reviewed and authorized by the general counsel.

MCCCD expects to cooperate fully and expeditiously with law enforcement or government officials when information from its computing resources is required for investigative purposes. Information that is requested by a lawfully issued administrative summons or judicial order, including search warrants and subpoenas, must be submitted to the office of general counsel. Requests made by members of the general public should be directed to the district ombudsperson.

After review and authorization by the general counsel, requests for copies of electronic communications will be forwarded to its security services. ITS security services will comply with the request and coordinate retrieval of the information within seven business days.

Adopted through the Administrative Regulation approval process on February 24, 2004

4.16 MARICOPA INTEGRATED RISK ASSESSMENT

PURPOSE

The Maricopa County Community College District (MCCCD) endeavors to be an innovative, flexible higher education institution that encourages risk assessment and management as an integral process for carrying out our mission to promote and enhance student learning and success. MCCCD also embraces a comprehensive approach to risk management that promotes broad strategic thinking and analysis, while fundamentally integrating our institution's vision, mission, and values. To this end, risk management will provide our institution with the superior capabilities to identify, assess, and manage the full spectrum of risks and opportunities and to enable management, faculty and staff at all levels to better understand and manage risk.

BACKGROUND

In March 2000, the Maricopa County Community College District Governing Board, with support from the Chancellor's Executive Council (CEC), approved an initiative to embed ongoing risk assessment and management into MCCCD's daily operations and culture. The CEC has reaffirmed its support and commitment in July 2003, August 2004, and September 2005 and will reaffirm its support annually thereafter. This initiative is called the Maricopa Integrated Risk Assessment (MIRA) project and it extends beyond traditional risk management to embrace a wider view of risk management called Enterprise Risk Management (ERM). While traditional risk management focuses on insurable and hazard risks, enterprise risk management is a process and management tool to address all sources of risk that would threaten strategic objectives.

APPROACH TO RISK MANAGEMENT

MIRA shall be collaboratively integrated into existing management processes and daily operations. To ensure that we achieve our strategy, MIRA provides our employees with the tools and capabilities to overcome barriers that arise in striving to exceed expectations. By realizing that risk management is everyone's job, our management, faculty, and staff shall proactively identify risk while delivering high quality education to our students in a more efficient and cost effective manner. MIRA allows our employees to view issues from various angles to identify not only the risk mitigation activities, but also to seek out and act on potential opportunities—therefore challenging conventional wisdom to create better solutions.

EMPLOYEE RESPONSIBILITIES

It is the responsibility of every employee to identify, assess, and manage risks and opportunities individually, throughout our organization, and to collaboratively strive for continuous quality improvement and the efficient and effective use of our resources. All management, faculty and staff are expected to demonstrate appropriate standards of behavior in the development of strategy and pursuit of expected outcomes. All Board-Approved employees shall be required to participate in training that focuses on risk identification, assessment, and management, and this training shall be rigorous, practical, and application-based. Board-Approved employees includes those who have or could attain permanent status, one year onlvs, one semester onlvs, Skill Center and specially funded employees. Newly hired Board-Approved employees shall be required to participate in training during their probationary period or within one year of their hire date and every three years thereafter. This training shall be incorporated into other mandatory training and/or shall be stand-alone training. Existing Board-Approved employees shall be required to participate in training within two years after the adoption of this administrative regulation and every three years thereafter. The District shall consider ways of training temporary employees once initial training of Board-Approved employees is complete.

GENERAL EXPECTED OUTCOMES

Expected outcomes include:

- Increased overall effectiveness and accountability
- Sound business processes; greater assurance of business continuity
- Clear demonstrated compliance with applicable laws and regulations
- Enhanced employee empowerment and pride
- Reinforcement of the strong MCCCDC cultural identity
- Enhanced competitive advantage

The MIRA project shall establish a philosophy of fostering continued evaluation of effectiveness and efficiency of organizational leadership, systems, and strategies. Ultimately, accountability for resources—human, financial, intellectual, physical, and technical—will be impacted at every level of MCCCDC.

ANNUAL REVIEW FOR EFFECTIVENESS

Each year the MIRA project committee shall measure progress and monitor results. This information will be presented in an annual report to the Governing Board and the CEC. This report will be submitted by August 31 of each fiscal year.

Adopted by the Governing Board on February 27, 2007.

Motion No. 9416

4.17 VOLUNTARY PAYROLL DEDUCTION

- A. Voluntary payroll deductions may be made for reputable charitable organizations and programs approved by MCCCCD including, but not limited to, employee association dues, gifts to The Maricopa Community Colleges Foundation, US Savings Bonds, tax-shelter annuities, Sun Sounds, KJZZ, and KBAQ, and others. Prior to deductions being made for a particular organization or program, the Vice Chancellor for Human Resources, on behalf of MCCCCD, shall first approve written requests for deductions in accordance with this regulation and Governing Board Policy. No consideration for approval will be given if the charitable organization exists under the umbrella of a larger fund-raising group. (See Appendix AS-4 – Voluntary Payroll Deduction Procedures)
- B. Any organization or program for which voluntary payroll deductions may be approved shall meet the following requirements:
1. Principals on behalf of the organization or program shall submit a written request per published procedures to the Vice Chancellor for Human Resources for approval to receive voluntary payroll deductions.
 2. No fewer than one hundred (100) MCCCCD full-time Governing Board approved employees shall have expressed interest in directing payroll deductions to the organization or program.
 3. Principals on behalf of the organization or program seeking approval shall have secured the expression of interest of 100 MCCCCD full-time Governing Board approved employees as required in this regulation.
 4. Principals on behalf of the organization or program seeking approval shall provide the Vice Chancellor for Human Resources sufficient information about the program in order for a determination to be made in accordance with this regulation.
 5. After review by committee and upon approval by the Vice Chancellor for Human Resources, the principals shall submit a request to the Payroll Department to establish a new deduction code at least 6 months before deductions are anticipated to begin. Deductions will be implemented commencing on January 1 and July 1. The request for a new deduction code should be submitted along with a sample form that will be used by participants when making requests for the deduction to begin. The form shall include at least the following information: employee name, location, employee ID, dollar amount to be deducted per payroll, requested date for deduction to start, language authorizing MCCCCD to make the deduction, and the employee's signature and date the form was signed.
- C. In determining whether to approve voluntary payroll deductions for a particular organization or program, the Vice Chancellor for Human Resources and committee shall consider the following factors:
1. the similarity between the important characteristics of the program and those of a program previously approved for receipt of voluntary payroll deductions;
 2. the proportion of contributions received by the program that are devoted to administrative costs and expenses, in relation to amounts received by the ultimate beneficiary;
 3. the degree to which amounts received from voluntary payroll deductions directly benefit residents of Maricopa County;
 4. the degree to which the program advances the interests of MCCCCD employees;
 5. program consistency with MCCCCD Vision, Mission and Values.

VOLUNTARY PAYROLL DEDUCTION (Cont.)

- D. The Vice Chancellor for Human Resources and committee shall consider requests for approval of programs to receive voluntary payroll deductions.
- E. Any voluntary payroll deduction issues that are not specifically addressed in this regulation require review by the Vice Chancellor for Human Resources and/or the appropriate designee.
- F. As of the date of adoption of this Administrative Regulation, “active” voluntary payroll deduction programs shall be exempted; however, prior programs considered to be “inactive” shall meet the established thresholds and standards outlined in this Regulation to be eligible for reinstatement.

Adopted through the Administrative Regulation approval process on June 19, 2007.